

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, March 12, 2013**

Present: Commissioner President Francis Jack Russell
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Todd B. Morgan
Commissioner Daniel L. Morris
Sue Sabo, Acting County Administrator
Sharon Ferris (Recorder)

CALL TO ORDER

Commissioner President Russell called the business meeting to order at 9:00 am in the Chesapeake Building meeting room, Governmental Center.

APPROVAL OF MINUTES

Commissioner Jones moved, seconded by Commissioner Morris, to approve the minutes of February March 5, 2013, as presented. Motion carried 5-0.

ADDITIONS/DELETIONS TO AGENDA

County Administrator item #3, St. Mary's County and BOE Sub-recipient amendment to agreements on the State Homeland Security Grant, is postponed until a later date.

COUNTY ADMINISTRATOR

1. Draft Agenda for and March 19 and 26, 2013.
2. **Circuit Court** (*Pete Cucinotta, Drug Court Coordinator*)

Commissioner Jones moved, seconded by Commissioner Jarboe, to approve and accept the grant application for the Office of Problem Solving Courts, Project MD1425, in the amount of \$282,774 on behalf of the Circuit Court Adult and Juvenile Drug Court Programs. Motion carried 5-0.

3. Sheriff's Office (*Brian Eley, Civilian Administrator; Pam McKay, Accreditation Manager*)

Commissioner Morgan moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the LGIT Training Grant Application from the Local Government Insurance Trust no later than March 29th, 2013 in an amount not to exceed \$8,800 on behalf of the Sheriff's Office, to provide funding assistance for staff to attend required CALEA training, and authorize the Sheriff's Office staff to complete the itemized breakdown of training costs as provided by CALEA. Motion carried 5-0.

4. Department of Aging and Human Services (*Lori Jennings-Harris, Director; Cynthia Brown, Human Services Division Manager; Peggy Maio Fiscal Supervisor*)

Commissioner Jones moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the Federal Fiscal Year 2012 Emergency Solutions Grant Program Agreement, Project US1356, from the Maryland Department of Housing and Community Development in the amount of \$56,900, the Sub-recipient Agreements between the County and Angels Watch, Leah's House and Three Oaks Center and the related budget amendment. Motion carried 5-0.

(Matt Reisdorph, Prevention and Treatment Coordinator)

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the FY13 Recovery Support Service Expansion grant Contract Proposal and supplemental funding for Project MD1359, from the Maryland Department of Health and Mental Hygiene on behalf of the Department of Aging and Human Services to expand recovery support services at Walden for a revised award amount of \$313,977, and the amended Sub-recipient agreement between the County and Walden/Sierra, Inc. and the budget amendment to increase the project budget by \$7,375. Motion carried 5-0.

Commissioner Morgan moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the FY13 Maryland Strategic Prevention Framework supplemental budget award for Project US1324, from the Maryland Department of Health and Mental Hygiene on behalf of the Department of Aging and Human Services for a revised award amount of \$79,462, and the amended Sub-recipient agreement between the County and St. Mary's Hospital of St. Mary's County, Inc. and approve the budget amendment to increase the project budget by \$10,000. Motion carried 5-0.

COMMISSIONER'S TIME

The Commissioners highlighted events of the past week.

Commissioner Morris encouraged citizens to join Battle Buddies, an organization that helps returning veterans readjust into the community. Training classes are provided. For more information call 443-975-5262.

PUBLIC HEARING ON PROPOSED ZONING TEXT AMENDMENT TO MODIFY METHODS FOR ACHIEVING A FLOOR AREA RATIO INCREASE

Present: Yvonne Chaillet, Zoning Admin., Dept. of Land Use and Growth Management
Phil Shire, Director, Dept. of Land Use and Growth Management

Ms. Chaillet noted for the record that Notice of Public Hearing was posted in *The Enterprise Newspaper* on February 22 and March 1, 2013. She summarized recommended changes to Chapters 32, 50, 51, 60, and 64 of the Comprehensive Zoning Ordinance. If adopted, these changes will modify the methods for achieving an increase in floor ratio in an effort to alleviate any undue burden placed on certain use types when the methods are applied.

Mr. Shire read a letter from Linda Vallandingham to incorporate into the public record. Ms. Vallandingham was part of the task force to establish the TDR program. The program was designed to offset some of the agricultural community's loss of income for not being able to develop their land. She opposes the recommended amendment and encouraged the Commissioners to vote against it.

Mr. Sparling read a portion of 32.2, Modifications to Basic Standards; "the development must be listed in Schedule 50.4 as a civic or institutional use; provide a basic or fundamental public service or public amenity; must be available to the general public or held for the public's benefit; serve primarily the local community; provide facilities in response to growth." He then stated that from a legal aspect he had issues with the Planning Commission's language, because as a matter of law under the IRS Code, that statement would exclude church activities. He commented that he was legally satisfied with the Land Use and Growth Management Department's original language.

Commissioner President Russell opened the Public Hearing for public comments.

Public Comments. *(Comments as noted below are intended as highlights of testimony given and are not verbatim.)*

Joseph Wood, 39136 Avie Lane, Mechanicsville, MD 20659

- Previously served on the comprehensive rezoning board and goal was to sustain agriculture and maintain property rights
- Developed a plan to sustain agriculture and the agriculture land base, maintain property rights and values, and protect the rights of individuals to build on their property
- Opposes proposed amendment

James Raley, 26737 Radio Station Way, Leonardtown, MD 20650

- Provided Commissioners with letter from the Farm Bureau requesting the BOCC not approve the proposed amendment
- The Farm Bureau strongly objects to any text amendment which would exempt any uses whether public, semi-public, commercial, or non-commercial in any zoning district from being required to purchase Transferable Development Rights (TDRs) in order to increase the floor area ratio of the use
- The Farm Bureau opposes any changes to current laws or regulations that would dilute or diminish the TDR program in Saint Mary's County
- Believe TDR program is vital for preserving farmland and for providing a mechanism for compensating landowners who wish to sell their development rights

George Baronaik, P.O. Box 268, Dameron, MD 20628

- Member of original TDR task force
- A great deal of effort went into this very complex process
- Task force received input from state officials, local business leaders, religious organizations, schools, etc.
- All 40 people on task force agreed not to grant waivers
- Concerned if waiver is granted it will destroy the entire program

Commissioner Russell closed the Public Hearing at 10:44 am.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Jones moved, seconded by Commissioner Morgan, to enter into Executive Session for the purpose of discussing personnel matters. Motion carried 5-0.

EXECUTIVE SESSION

Personnel

Present: Commissioner Francis Jack Russell, President
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
Sue Sabo, HR Director and Acting County Administrator
Donna Gebicke, Administrative Assistant

Authority: Article 24, Section 4-210(a)1

Time Held: 11:05 am – 12:36 pm

Subject: Personnel

FY 2014 BUDGET WORK SESSION

The budget work session focused on County Departments, vehicle replacement and compensation/benefits.

ADJOURNMENT

Commissioner Russell adjourned the Board of County Commissioners meeting at 4:30 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)